

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nancy Leith (Reg. No. 45,309) on September 26<sup>th</sup>, 2008.

2. The application has been amended as follows:

*In the claims,*

(a) Claim 24 has been rewritten as follows:

--Claim 24. A salad container comprising:

a removable lid; and

a container body comprising:

an open top,

a closed bottom, and

a sidewall extending therebetween, the sidewall having an exterior surface, an interior surface defining a cavity between the open top and the closed bottom, and at least one protrusion projecting inwardly into the cavity;

the protrusion being an inwardly extending shoulder extending from a larger diameter upper portion of the sidewall and a smaller diameter lower portion of the sidewall,

Art Unit: 3781

wherein the cavity is divided into an upper chamber and a lower chamber by a selective barrier extending across the cavity, the upper chamber is defined by the upper portion of the sidewall, and the lower chamber is defined by the lower portion of the sidewall,

the selective barrier having an apertured planar central portion, a rim extending substantially vertically from the central portion and then forming an angled extension,

the selective barrier is at least partially supported by the at least one protrusion, such that the substantially vertically extending portion of the rim is received by the sidewall, and the angled extension rests on an upper surface of the protrusion,

the selective barrier being sufficiently configured to selectively exclude entry of relatively large food items into the lower chamber and to provide passage through the barrier of relatively small food ingredients both into and out of the lower chamber so that the relatively large food items are stored away from the small food ingredients until just before consumption,

wherein the selective barrier is releasably secured to the body. --

(b) Claims 31-35, 38-42, 45-48, 58 and 60 have been cancelled.

(c) On lines 1-2 of claim 26, "selective barrier has an upwardly angled extension" has been changed to --angled extension is upwardly angled and is --.

(d) On line 1 of claim 43, "42" has been changed to --24--.

(e) On line 1 of claim 55, "said annular barrier retainer" has been changed to --said at least one protrusion--.

Art Unit: 3781

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI M. ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niki M. Eloshway/  
Niki M. Eloshway  
Examiner  
Art Unit 3781

nme

/Anthony D Stashick/  
Anthony D Stashick  
Supervisory Patent Examiner, Art Unit 3781